



General Assembly

Amendment

February Session, 2018

LCO No. 3689



Offered by:
SEN. FASANO, 34th Dist.

To: Subst. Senate Bill No. 188

File No. 92

Cal. No. 76

"AN ACT ESTABLISHING THE STATE OVERSIGHT COUNCIL ON CHILDREN AND FAMILIES."

1 Strike everything after the enacting clause and substitute the
2 following in lieu thereof:

3 "Section 1. Section 17a-4 of the general statutes is repealed and the
4 following is substituted in lieu thereof (*Effective July 1, 2018*):

5 (a) There shall be a State [Advisory] Oversight Council on Children
6 and Families which shall consist of [nineteen members as follows: (1)
7 Thirteen members appointed by the Governor, including two persons
8 who are child care professionals, two persons eighteen to twenty-five
9 years of age, inclusive, served by the Department of Children and
10 Families, one child psychiatrist licensed to practice medicine in this
11 state and one attorney who has expertise in legal issues related to
12 children and youth and seven persons who shall be representative of
13 young persons, parents and others interested in the delivery of services
14 to children and youths, including child protection, behavioral health,
15 juvenile justice and prevention services, at least four of whom shall be

16 parents, foster parents or family members of children who have
17 received, or are receiving, behavioral health services, child welfare
18 services or juvenile services; and (2) six members representing the
19 regional advisory councils established pursuant to section 17a-30,
20 appointed one each by the members of each council. On and after
21 October 1, 2014, no] the following members: (1) Two members
22 appointed by the speaker of the House of Representatives, one of
23 whom shall have expertise in providing services through the family
24 assessment response program operated by the Department of Children
25 and Families and one of whom shall be an advocate for children and
26 youths; (2) two members appointed by the president pro tempore of
27 the Senate, one of whom shall have expertise in providing behavioral
28 health services to children and youths served by the Department of
29 Children and Families and one of whom shall be an attorney with
30 expertise in legal issues related to children and youths; (3) two
31 members appointed by the majority leader of the House of
32 Representatives, one of whom shall be between the ages of eighteen
33 and twenty-five and a former recipient of in-home services or
34 supervision provided by the Department of Children and Families and
35 one of whom shall be an advocate for behavioral health services who
36 serves on the Behavioral Health Partnership Oversight Council
37 established pursuant to section 17a-22j; (4) two members appointed by
38 the majority leader of the Senate, one of whom shall be a child
39 psychiatrist licensed to practice medicine in this state and one of whom
40 shall be an advocate for behavioral health services who serves on the
41 Behavioral Health Partnership Oversight Council established pursuant
42 to section 17a-22j; (5) two members appointed by the minority leader
43 of the House of Representatives, one of whom shall be between the
44 ages of eighteen and twenty-five and a former foster child and one of
45 whom shall be a provider of therapeutic foster care; (6) two members
46 appointed by the minority leader of the Senate, one of whom shall be
47 an attorney with expertise in legal issues related to children and
48 youths and one of whom shall be a practicing member of the
49 Connecticut Chapter of the American Academy of Pediatrics; (7) one
50 member appointed by the chairpersons of the Juvenile Justice Policy

51 and Oversight Committee established pursuant to section 46b-121n,
52 who shall be a member of such committee and an advocate for or
53 provider of services to children and youths; (8) the chairpersons and
54 ranking members of the joint standing committee of the General
55 Assembly having cognizance of matters relating to children, or their
56 designees; (9) the Child Advocate, or the Child Advocate's designee;
57 (10) the Chief Public Defender, or the Chief Public Defender's
58 designee; and (11) six members appointed one each by the members of
59 the regional advisory councils established pursuant to section 17a-30,
60 who shall be parents, foster parents or family members of children or
61 youths who have received or currently receive behavioral health
62 services, child welfare services or juvenile services. No more than half
63 the members of the council shall be persons who receive income from a
64 private practice or any public or private agency that delivers mental
65 health, substance abuse, child abuse prevention and treatment, child
66 welfare services or juvenile services. Members of the council shall
67 serve without compensation, [except for necessary expenses incurred
68 in the performance of their duties. The Department of Children and
69 Families shall provide the council with funding to facilitate the
70 participation of those members representing families and youth, as
71 well as for other administrative support services.] Members shall serve
72 on the council for terms of two years each and no member shall serve
73 for more than three consecutive terms. The commissioner shall be an
74 ex-officio member of the council without vote and shall attend its
75 meetings. Any member who fails to attend three consecutive meetings
76 or fifty per cent of all meetings during any calendar year shall be
77 deemed to have resigned. Any vacancy shall be filled by the
78 appointing authority. The council shall elect [a chairperson and vice-
79 chairperson to act in the chairperson's absence] two chairpersons, one
80 of whom shall not be a representative of the executive or legislative
81 branch, from among its members.

82 (b) The [council] State Oversight Council on Children and Families
83 shall meet at least quarterly, and more often upon the call of the [chair]
84 chairpersons or a majority of the members. The council's meetings

85 shall be held at locations that facilitate participation by members of the
86 public, and its agenda and minutes shall be posted on the
87 [department's web site] Internet web sites of the Department of
88 Children and Families and the General Assembly. A majority of the
89 members [in office] present, but not less than [six] twelve members,
90 shall constitute a quorum. The council shall have complete access to all
91 records of the institutions and facilities of the department in
92 furtherance of its duties, while at all times protecting the right of
93 privacy of all individuals involved, as provided in section 17a-28.

94 (c) The duties of the [council] State Oversight Council on Children
95 and Families shall be to: (1) [Recommend to the commissioner
96 programs, legislation or other matters which will improve services for
97 children and youths, including behavioral health services; (2)] Monitor,
98 track and evaluate the policies and practices of the Department of
99 Children and Families with respect to safety, permanency and well-
100 being outcomes for children and youths, including, but not limited to,
101 policies and practices related to ensuring that (A) children and youths
102 are, first and foremost, protected from abuse and neglect; (B) children
103 and youths are safely placed in their homes whenever possible and
104 appropriate; (C) children and youths have permanency and stability in
105 their living situations; (D) the continuity of children and youths' family
106 relationships and connections is preserved; (E) families have enhanced
107 capacity to provide for the needs of children and youths; (F) children
108 and youths receive appropriate services to meet their educational
109 needs; and (G) children and youths receive adequate services to meet
110 their physical and mental health needs; (2) submit policy and
111 legislative recommendations to the Commissioner of Children and
112 Families and the joint standing committee of the General Assembly
113 having cognizance of matters relating to children that will improve
114 safety, permanency and well-being outcomes for children and youths,
115 including, but not limited to, recommendations concerning behavioral
116 health services; (3) annually review and advise the commissioner and
117 the joint standing committees of the General Assembly having
118 cognizance of matters relating to appropriations and children

119 regarding the proposed budget; [(3) interpret to the community at
120 large the policies, duties and programs of the department; (4) issue any
121 reports it deems necessary to the Governor and the Commissioner of
122 Children and Families; (5) assist in the development of and review and
123 comment on the strategic plan developed by the department pursuant
124 to subsection (b) of section 17a-3; (6)] (4) receive on a quarterly basis
125 from the commissioner a status report on the department's progress in
126 [carrying out the strategic plan] promoting safety, permanency and
127 well-being outcomes, including, but not limited to, (A) data regarding
128 such outcomes categorized by race, ethnicity, age cohorts,
129 departmental region and, where practicable, disability status, and (B)
130 other relevant information and data requested by the council; (5)
131 receive on an annual basis, beginning not later than January 1, 2019,
132 from the joint standing committee of the General Assembly having
133 cognizance of matters relating to children, information contained in the
134 report card maintained pursuant to section 2-53m that is relevant to
135 the duties of the council; [(7)] (6) independently monitor the
136 department's progress in achieving its goals as expressed in the
137 strategic plan developed by the department pursuant to subsection (b)
138 of section 17a-3, as amended by this act, and any outcome measures
139 established by the council; and [(8)] (7) offer assistance and provide an
140 outside perspective to the department so that it may be able to achieve
141 the goals expressed in the strategic plan and implement the
142 recommendations of the council.

143 (d) Not later than October 1, 2019, and annually thereafter, the State
144 Oversight Council on Children and Families shall submit a report, in
145 accordance with the provisions of section 11-4a, to the joint standing
146 committees of the General Assembly having cognizance of matters
147 relating to appropriations and children. Such report shall include, but
148 need not be limited to, (1) findings and recommendations regarding
149 the policies and practices of the Department of Children and Families;
150 (2) information regarding the impact of such policies on safety,
151 permanency and well-being outcomes for children and youths,
152 including those outcomes described in subdivision (1) of subsection (c)

153 of this section; and (3) if applicable, legislative recommendations.

154 (e) Not later than thirty days after receipt of the report submitted
155 pursuant to subsection (d) of this section, the joint standing
156 committees of the General Assembly having cognizance of matters
157 relating to appropriations and children shall, in conjunction with the
158 chairperson and vice-chairperson of the State Oversight Council on
159 Children and Families, hold an informational forum on such report.

160 (f) The State Oversight Council on Children and Families may,
161 without remuneration from the state, be staffed by an organization or
162 educational institution with the necessary expertise and resources to
163 assist in the administration of the work of the council.

164 Sec. 2. Section 17a-1 of the general statutes is repealed and the
165 following is substituted in lieu thereof (*Effective July 1, 2018*):

166 As used in sections 17a-1 to 17a-26, inclusive, as amended by this
167 act, 17a-28 to 17a-49, inclusive, 17a-127 and 46b-120, unless otherwise
168 provided in said sections:

169 (1) "Commissioner" means the Commissioner of Children and
170 Families;

171 (2) "Council" means the State [Advisory] Oversight Council on
172 Children and Families;

173 (3) "Advisory committee" means the Children's Behavioral Health
174 Advisory Committee;

175 (4) "Department" means the Department of Children and Families;

176 (5) "Child" means a child, as defined in section 46b-120;

177 (6) "Youth" means a youth, as defined in section 46b-120;

178 (7) "Delinquent child" means a child convicted of a delinquent act,
179 as defined in section 46b-120;

180 (8) "Child or youth with behavioral health needs" means a child or
181 youth who is suffering from one or more mental disorders as defined
182 in the most recent edition of the American Psychiatric Association's
183 "Diagnostic and Statistical Manual of Mental Disorders";

184 (9) "Individual service plan" means a written plan to access
185 specialized, coordinated and integrated care for a child or youth with
186 complex behavioral health service needs that is designed to meet the
187 needs of the child or youth and his or her family and may include,
188 when appropriate (A) an assessment of the individual needs of the
189 child or youth, (B) an identification of service needs, (C) an
190 identification of services that are currently being provided, (D) an
191 identification of opportunities for full participation by parents or
192 emancipated minors, (E) a reintegration plan when an out-of-home
193 placement is made or recommended, (F) an identification of criteria for
194 evaluating the effectiveness and appropriateness of such plan, and (G)
195 coordination of the individual service plan with any educational
196 services provided to the child or youth. The plan shall be subject to
197 review at least every six months or upon reasonable request by the
198 parent based on a changed circumstance, and be approved, in writing,
199 by the parents, guardian of a child or youth and emancipated minors;

200 (10) "Family" means a child or youth with behavioral health needs
201 and (A) one or more biological or adoptive parents, except for a parent
202 whose parental rights have been terminated, (B) one or more persons
203 to whom legal custody or guardianship has been given, or (C) one or
204 more adults who have a primary responsibility for providing
205 continuous care to such child or youth;

206 (11) "Parent" means a biological or adoptive parent, except a parent
207 whose parental rights have been terminated;

208 (12) "Guardian" means a person who has a judicially created
209 relationship between a child or youth and such person that is intended
210 to be permanent and self-sustaining as evidenced by the transfer to
211 such person of the following parental rights with respect to the child or

212 youth: (A) The obligation of care and control; (B) the authority to make
213 major decisions affecting the child's or youth's welfare, including, but
214 not limited to, consent determinations regarding marriage, enlistment
215 in the armed forces and major medical, psychiatric or surgical
216 treatment; (C) the obligation of protection of the child or youth; (D) the
217 obligation to provide access to education; and (E) custody of the child
218 or youth;

219 (13) "Serious emotional disturbance" and "seriously emotionally
220 disturbed" means, with regard to a child or youth, that the child or
221 youth (A) has a range of diagnosable mental, behavioral or emotional
222 disorders of sufficient duration to meet diagnostic criteria specified in
223 the most recent edition of the American Psychiatric Association's
224 "Diagnostic and Statistical Manual of Mental Disorders", and (B)
225 exhibits behaviors that substantially interfere with or limit the child's
226 or youth's ability to function in the family, school or community and
227 are not a temporary response to a stressful situation;

228 (14) "Child or youth with complex behavioral health service needs"
229 means a child or youth with behavioral health needs who needs
230 specialized, coordinated behavioral health services;

231 (15) "Transition services" means services in the areas of education,
232 employment, housing and community living designed to assist a youth
233 with a serious emotional disturbance who is transitioning into
234 adulthood; and

235 (16) "Community collaborative" means a local consortium of public
236 and private health care providers, parents and guardians of children
237 with behavioral health needs and service and education agencies that
238 have organized to develop coordinated comprehensive community
239 resources for children or youths with complex behavioral health
240 service needs and their families in accordance with principles and
241 goals of Connecticut Community KidCare.

242 Sec. 3. Subsection (b) of section 17a-3 of the 2018 supplement to the
243 general statutes is repealed and the following is substituted in lieu

244 thereof (*Effective July 1, 2018*):

245 (b) (1) The department, with the assistance of the State [Advisory]
246 Oversight Council on Children and Families, and in consultation with
247 representatives of the children and families served by the department,
248 providers of services to children and families, advocates, and others
249 interested in the well-being of children and families in this state, shall
250 develop and regularly update a single, comprehensive strategic plan
251 for meeting the needs of children and families served by the
252 department. In developing and updating the strategic plan, the
253 department shall identify and define agency goals and indicators of
254 progress, including benchmarks, in achieving such goals. The strategic
255 plan shall include, but not be limited to: (A) The department's mission
256 statement; (B) the expected results for the department and each of its
257 mandated areas of responsibility; (C) a schedule of action steps and a
258 time frame for achieving such results and fulfilling the department's
259 mission that includes strategies for working with other state agencies
260 to leverage resources and coordinate service delivery; (D) priorities for
261 services and estimates of the funding and other resources necessary to
262 carry them out; (E) standards for programs and services that are based
263 on research-based best practices, when available; and (F) relevant
264 measures of performance.

265 (2) The department shall begin the strategic planning process on
266 July 1, 2009. The department shall hold regional meetings on the plan
267 to ensure public input and shall post the plan and the plan's updates
268 and progress reports on the department's web site. The department
269 shall submit the strategic plan to the State [Advisory] Oversight
270 Council on Children and Families for review and comment prior to its
271 final submission to the General Assembly and the Governor. On or
272 before July 1, 2010, the department shall submit the strategic plan, in
273 accordance with section 11-4a, to the General Assembly and the
274 Governor.

275 (3) The commissioner shall track and report on progress in
276 achieving the strategic plan's goals not later than October 1, 2010, and

277 quarterly thereafter, to [said State Advisory] the State Oversight
278 Council on Children and Families. The commissioner shall submit a
279 status report on progress in achieving the results in the strategic plan,
280 in accordance with section 11-4a, not later than July 1, 2011, and
281 annually thereafter to the General Assembly, the joint standing
282 committee of the General Assembly having cognizance of matters
283 relating to children and the Governor.

284 Sec. 4. Subsections (e) and (f) of section 17a-4a of the 2018
285 supplement to the general statutes are repealed and the following is
286 substituted in lieu thereof (*Effective July 1, 2018*):

287 (e) Not later than October first of each year, the advisory committee
288 shall submit a status report on local systems of care and practice
289 standards for state-funded behavioral health programs to the
290 Commissioner of Children and Families and the State [Advisory]
291 Oversight Council on Children and Families.

292 (f) Not later than October first of each odd-numbered year, the
293 advisory committee shall submit recommendations concerning the
294 provision of behavioral health services for all children in the state to
295 the Commissioner of Children and Families and the State [Advisory]
296 Oversight Council on Children and Families. The recommendations
297 shall address, but shall not be limited to, the following: (1) The target
298 population for children with behavioral health needs, and assessment
299 and benefit options for children with such needs; (2) the
300 appropriateness and quality of care for children with behavioral health
301 needs; (3) the coordination of behavioral health services provided
302 under the HUSKY Health program with services provided by other
303 publicly-funded programs; (4) performance standards for preventive
304 services, family supports and emergency service training programs; (5)
305 assessments of community-based and residential care programs; (6)
306 outcome measurements by reviewing provider practice; and (7) a
307 medication protocol and standards for the monitoring of medication
308 and after-care programs.

309 Sec. 5. Subsection (m) of section 17a-6 of the general statutes is
310 repealed and the following is substituted in lieu thereof (*Effective July*
311 *1, 2018*):

312 (m) Submit to the [state advisory council] State Oversight Council
313 on Children and Families for its comment proposals for new policies or
314 programs and the proposed budget for the department;

315 Sec. 6. Section 17a-9 of the general statutes is repealed and the
316 following is substituted in lieu thereof (*Effective July 1, 2018*):

317 (a) The commissioner shall appoint, after consultation with the
318 [state advisory council] State Oversight Council on Children and
319 Families, and may remove in a like manner, two deputy
320 commissioners who shall be in the unclassified service. The deputy
321 commissioner for program services shall be a clinically competent
322 professional person experienced in one or more fields of children's
323 services and in the administration of such services, and shall be
324 responsible for the supervision of all clinical treatment and program
325 services of the department. The deputy commissioner of
326 administrative services shall have experience in business or
327 institutional administration and shall be responsible for the
328 organizational and general administrative services of the department.

329 (b) The commissioner shall appoint, after consultation with the
330 [state advisory council] State Oversight Council on Children and
331 Families, and may remove in like manner, not more than two program
332 directors who shall be in the unclassified service, provided the title or
333 duties of any director appointed pursuant to this subsection may be
334 changed as the commissioner deems necessary after consultation with
335 the state advisory council. Such directors may oversee community
336 programs and services and the operation of institutions and facilities.

337 (c) The commissioner shall, in accordance with chapter 67 and after
338 consultation with the [state advisory council] State Oversight Council
339 on Children and Families, appoint the administrative heads of all of
340 the institutions and facilities transferred to the department and such

341 other institutions and facilities as now are or hereafter may be
342 established by or transferred to the department. Such administrative
343 heads shall have skill and experience in the administration of
344 children's services and shall manage their institutions and facilities in
345 accordance with the regulations and orders of the commissioner.

346 (d) The commissioner shall, after consultation with the [state
347 advisory council] State Oversight Council on Children and Families,
348 appoint and may remove in a like manner, up to six regional directors
349 who shall be in the unclassified service. Each regional director shall
350 have skill and experience in the field of children's services and in the
351 administration of such services. Each regional director shall be subject
352 to the direction of the commissioner and shall be responsible for the
353 operation and administration of services provided or funded by the
354 department in the regions created by the commissioner pursuant to
355 subsection (a) of section 17a-30.

356 Sec. 7. Section 17a-32a of the general statutes is repealed and the
357 following is substituted in lieu thereof (*Effective July 1, 2018*):

358 (a) The facilities that come under the jurisdiction of the Department
359 of Children and Families, as enumerated in section 17a-32, shall submit
360 an annual report to the State [Advisory] Oversight Council on
361 Children and Families and to their respective advisory groups,
362 established pursuant to subsection (b) of section 17a-6. The report shall
363 include, but not be limited to: (1) Aggregate profiles of the residents;
364 (2) a description of and update on major initiatives; (3) key outcome
365 indicators and results; (4) costs associated with operating the facility;
366 and (5) a description of educational, vocational and literacy programs,
367 and behavioral, treatment and other services available to the residents
368 and their outcomes. Each report submitted pursuant to this subsection
369 shall be posted on the department's web site.

370 (b) Such advisory groups shall respond to their facility's annual
371 report, submitted pursuant to subsection (a) of this section, and
372 provide any recommendations for improvement or enhancement that

373 they deem necessary.

374 (c) The Department of Children and Families shall serve as
375 administrative staff of such advisory groups."

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2018</i>	17a-4
Sec. 2	<i>July 1, 2018</i>	17a-1
Sec. 3	<i>July 1, 2018</i>	17a-3(b)
Sec. 4	<i>July 1, 2018</i>	17a-4a(e) and (f)
Sec. 5	<i>July 1, 2018</i>	17a-6(m)
Sec. 6	<i>July 1, 2018</i>	17a-9
Sec. 7	<i>July 1, 2018</i>	17a-32a